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COMMITTEE ON THE RIGHTS OF THE CHILD

Eleventh session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Federal Republic of Yugoslavia (Serbia and Montenegro)

1. The Committee considered the initial report of the Federal Republic of Yugoslavia (Serbia and Montenegro) (CRC/C/8/Add.16) at its 269th meeting (CRC/C/SR.269), held on 15 January 1996. As the Committee was unable to benefit from the presence of the representatives of the State party, the examination of the State party's report in the Committee proceeded on the basis of written information submitted by the Government as well as other documents received, including the reports of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia. Subsequent to the consideration of this information and taking into account the recent positive developments in the former Yugoslavia, the Committee decided to request the State party to submit a progress report to it before the end of 1997. In view of the considerable importance the Committee attaches to a dialogue with the State party's representatives, the Committee expresses the hope that on the occasion of the examination of the requested progress report, the Committee will be able to benefit from the presence of and exchange of views with the representatives. The Committee further decided to adopt* the following concluding observations:

A. Factors and difficulties impeding the implementation of the Convention

2. The Committee recognizes that serious difficulties have been faced by the Federal Republic of Yugoslavia since it became a party to the Convention. Mention may be made, in this regard, of the State party's transition to a

* At the 287th meeting, held on 26 January 1996.

market-oriented economy and the attendant problems experienced by the population during this period. The break-up of the former Yugoslavia produced other serious consequences, including of an economic nature.

3. Although the State party has not been the theatre of war, the consequences of hostilities in the neighbouring territories has had a severe impact on the population.

4. The large influx of refugees has placed a further strain on resources in the Federal Republic of Yugoslavia, especially as the State party appears to have received less international support in sharing the refugee burden than other countries in the region.

5. Such consequences of the war on the territory of the former Yugoslavia, combined with the realities of sanctions seem to have led to a worsening of the indicators of the health and education situation of the children of the Federal Republic, including lower immunization coverage, more nutrition-related disorders and illnesses, and an increase in the number of children suffering from mild and serious mental disorders. The sanctions against the Federal Republic may have led to the isolation of professionals dealing with the rights of the child.

B. Principal subjects of concern

6. The Committee remains uncertain as to the extent to which a system for the independent monitoring of the rights of the child, such as an ombudsperson for children or a similar national institution, exists and operates in the State party.

7. The Committee raises various points of concern with reference to the implementation of article 2 of the Convention relating to non-discrimination. It expresses grave concern about the situation of Albanian-speaking children in Kosovo, especially with regard to their health and education, as well as the degree to which this population is protected from abuse by the police. From the information reported to the Committee, it appears that the rejection by the population of the Government's decision to apply a uniform education system and curriculum has been followed by the summary dismissal of 18,000 teachers and other education professionals and to more than 300,000 school-age children not attending school. The subsequent development of a parallel system of education and the tensions surrounding this development in Kosovo have resulted in further detrimental effects, including the closure of schools and the harassment of teachers.

8. The Committee also draws attention to the serious problems threatening the health-care system which have involved large-scale dismissals of health personnel, thereby adversely affecting the health and social protection of Albanian-speaking children in Kosovo.

9. Additionally, the Committee expresses its concern at the information it has received concerning the abuse of children and teachers by the police as well as at the prevailing opinion of the victims of such abuse that the police are able to act with impunity.

10. The Committee also wishes to express its concern over reports of the treatment of persons, including children belonging to a religious minority (Muslims), in Sandjak where incidents of harassment, police abuse, violent house searches and commission of human rights violations with impunity are alleged to have occurred. There have also been reports about serious incidents of discrimination against the Roma (Gypsy) population.

11. The Committee is concerned at the information brought to its attention concerning the hostile sentiments apparently broadcast by certain mass media. The Committee is worried about tendencies in the media which may lead to the incitement of hatred against certain ethnic and religious groups.

12. The Committee is deeply concerned about the absence of pluralism in the activities of the major organs of mass media, limiting the freedom of the child to receive information and the freedom of thought and conscience, as provided for in articles 13 and 14 of the Convention.

13. The Committee remains uncertain as to the extent to which the State party has undertaken measures to ensure that the traditional view of children as mere objects of care has been replaced by an understanding and recognition of the child as a subject of rights. In this regard, clarification is requested as to the applicability of the provisions of the Constitution guaranteeing respect for the civil rights and freedoms of children, including the right to privacy provided for in article 16 of the Convention.

14. The Committee is concerned that the problem of statelessness has not been resolved, in particular with regard to refugee children and children born outside the territory of the Federal Republic of Yugoslavia and subject to its jurisdiction.

15. The Committee wishes to express its concern about the seeming overemphasis on the resort to and use of institutional care for children in need of assistance. The Committee is of the opinion that this form of alternative care may not necessarily be the most effective, as it is reported that the assistance provided may not be of consistent quality and that insufficient attention is given to preparing children for their eventual return to their family or their integration into the community.

16. The Committee is concerned that there appears to be an increase in violent and aggressive behaviour among children and adolescents in the State party. In this context, the problem of the abuse of children is also a concern of the Committee.

17. The Committee wishes to express concern at information brought to its attention which indicates that disparities exist between regions and between rural and urban areas with regard to the provision of health care to children. The Committee also notes with concern that according to other information brought to its attention there has been a discernible increase in the number of children, including refugee children, with mild and serious mental disorders. The situation of disabled children generally is an issue of concern to the Committee. The Committee requires more concrete information on the measures taken for the early identification of disabilities and the prevention of neglect or discrimination against children with disabilities.

18. The Committee takes note that concern is expressed that the costs of children's education may be growing beyond the reach of certain families. It is also noted that a decline in preschool education has been recorded in recent years. Reports of the progressive exclusion of teaching in languages other than Serbian, such as Bulgarian, are also disquieting to the Committee.

19. The Committee wishes to draw the attention of the State party to the constraints that are reported to be hampering the reunification of unaccompanied refugee children with their families and to the Committee's concern about the extent to which the rights of these children, most of whom are living in institutions, are being guaranteed and protected.

20. The Committee is deeply concerned about administrative measures which have allegedly made it impossible for applicants from certain regions to acquire refugee status. It is reported that once refugee status is denied the applicants, including children, no longer have a legal basis for remaining in the country and consequently become vulnerable to police harassment and to the loss of social welfare entitlements.

21. While the Committee notes that most refugees seem to be placed with host families, it expresses concern that the prevailing economic situation of these families is reported to be growing more precarious.

22. Various matters relating to juvenile justice are a cause of concern to the Committee. For example, the Committee is concerned that social welfare agencies and services might enjoy wide discretionary powers to the detriment of the application of the principle of the rights of the child as the framework for the functioning of the administration of the juvenile justice system. The apparent lack of mechanisms for the registration by children of complaints of ill-treatment and for the full and impartial investigation of those complaints is also a cause for concern. Additionally, the Committee is concerned as to the adequacy of measures taken for the protection of the rights of the child during investigation procedures and during the period of pre-trial detention.

C. Suggestions and recommendations

23. The Committee encourages the State party to review its reservation to the Convention with a view to considering its withdrawal.

24. While acknowledging that activities have been undertaken to make the Convention known to adults and children alike, the Committee is of the opinion that further efforts seem to be required in this respect.

25. It is the opinion of the Committee that training and retraining programmes and opportunities need to be systematically developed for professionals working with or for children, in particular the police and law enforcement and army personnel, to ensure that they understand children's rights and their responsibility for actions taken which impact on the promotion and protection of the rights of the child.

26. The Committee suggests that the State party consider the possibility of undertaking an assessment of the effectiveness of existing arrangements for coordinating the activities undertaken within and between ministries and central and local authorities for the promotion and protection of children's rights, with a view to determining whether measures are required to improve the system of coordination and cooperation for the implementation of the Convention in the country.

27. Within the framework of nurturing further international cooperation, the Committee encourages the State party to continue to give serious consideration to the question of the establishment of an office in Belgrade within the ambit of the work of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia. The Committee also encourages the State party to cooperate in the work of the International Criminal Tribunal for the Former Yugoslavia.

28. The Committee strongly recommends that a solution be found to the concerns of the Committee for the situation of Albanian-speaking children in Kosovo, especially in the light of the principles and provisions of the Convention, including those of its article 3 relating to the best interests of the child. The Committee observes that the State-controlled mass media, in the interests of healing and building trust within the country, have a role and a responsibility to contribute to the efforts to foster tolerance and understanding between different groups and that the broadcasting of programmes that run counter to this objective should end. The Committee recommends that the securing and dissemination of broader and more diverse sources of information designed for children, including by broadcasting them on the mass media, would assist in ensuring further implementation of the principles and provisions of the Convention, including those of its article 17. It is also suggested that measures should be taken to improve the activities of the mass media in imparting information for children in their own language, including Albanian.

29. On the basis of information presented to it, the Committee suggests that the State party give further consideration to the need to allocate greater resources to education and to reverse any trends in the education system which may perpetuate gender discrimination or stereotyping as well as to addressing other problems, including those relating to teaching in national languages.

30. Note is taken of the provisions of article 2 of the Primary School Act by which certain of the aims of education laid down in article 29 of the Convention have been incorporated into school curricula. It is the view of the Committee that the principle contained in article 29 (1) (d) which stipulates that "the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin" is an important dimension that should be integrated into curricula at all levels of schooling. School curricula materials should be developed, if they do not already exist, which aim at educating children in the spirit of tolerance of and regard for different civilizations.

31. The Committee takes note that the principle of respect for the views of the child has been reflected in such situations as the change of name or adoption of the child. While it is also acknowledged that the expression of children's views in schools exists through the activities of students and class groups, the Committee is of the opinion that the undertaking of further pro-active measures to encourage children to participate in family, community and social life, in general, merits greater attention.

32. Legislative and other measures should be undertaken to ensure that children are protected from statelessness and that for each child under the jurisdiction of the State, the rights set forth in the Convention are respected and ensured.

33. The Committee is of the opinion that there appears to be a need for more pre-marriage counselling and family-life education programmes, including as a means to prevent family breakdown.

34. As regards the efforts required to reduce the recourse to institutional care for children in difficult situations, the Committee recommends that greater attention be paid to the development and use of alternative forms of care such as foster care and adoption.

35. With reference to the implementation of article 19 of the Convention and the efforts required to prevent and combat the abuse of children, the Committee recommends that consideration be given to the elaboration of a comprehensive and integrated public information campaign, to the undertaking of a review of the national legislative measures in this field and their compliance with the Convention's provisions, as well as to the further development of training programmes for professionals involved in this field of work.

36. With a view to contributing to the most effective use of scarce resources, the Committee recommends that the State party accord greater attention and consideration to the development of a strong primary health-care system. Such a system would have the benefits of according due attention to developing a culture of nutrition, hygiene and sanitation education, transmitting health skills to parents, and enhancing participatory approaches to the distribution and use of resources throughout the health-care system.

37. In connection with the implementation of article 39 of the Convention, the Committee suggests that the State party consider as a matter of priority the further development of rehabilitative programmes. In this regard, the problem of the apparent scarcity and inadequacy of programmes for the treatment of post-traumatic stress disorders, identified primarily in refugee children, needs to be adequately addressed.

38. In the case of alleged violations of human rights committed by groups of individuals, the Committee emphasizes the responsibility of the authorities to undertake measures to protect children from such acts. It is also the opinion of the Committee that those accused of abuses should be tried and, if found guilty, punished. In addition, the outcome of investigations and cases of convictions should be widely publicized in order to combat any perception of impunity.

39. With regard to the implementation of the provisions of the Convention concerning preventing and combating various forms of exploitation, the Committee wishes to receive further information with respect to the functioning of the labour inspectorate system and the implementation of sanctions for non-compliance with the requirements of the labour legislation.

40. Concerning the application of the provisions of article 33 of the Convention, the Committee suggests that consideration be given, if necessary, to the further development of systems for the collection of reliable data on the problem of drug abuse and to the incorporation of a uniform drug prevention programme within the education system.

41. Further information and research findings on the causes of sexual exploitation and abuse would be welcomed by the Committee. The Committee also suggests that the State party consider the possibility of reviewing its legislation in relation to the age of sexual consent in the light of the concerns raised on this matter by the Committee. It is also the view of the Committee that serious consideration should be given to the possibility of allocating further resources for programmes for the prevention of sexual abuse and exploitation and the rehabilitation of victims, including training of and support to the professionals dealing with these issues and the development of an integrated and coordinated approach to assist both the victims and the perpetrators of such abuse. In connection with this point, the Committee wishes to encourage the State party to consider greater use of the media in relation to awareness-raising and education on the dangers of sexual exploitation and abuse and the issues of HIV/AIDS and other sexually transmitted diseases.

42. In the light of the commitment expressed by the State party, in its written information to the Committee, to publish and widely disseminate its report as well as the summary records and the Committee's concluding observations, the Committee encourages the State party to take the necessary steps. Additionally, the Committee supports the intention of the State party to present the aforementioned publication in the Federal Assembly and to hold a discussion of its contents. The Committee is also encouraged by the media's pledge to give full coverage to the discussion of the State party's report by the Committee.

43. The Committee further proposes that a progress report on the implementation of the Convention, taking into account the concerns raised and observations made during the Committee's discussion, be submitted to the Committee before the end of 1997.